

REMARKS

I. Introduction

With the cancellation herein without prejudice of claim 14, claims 9 to 11 and 15 to 18 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

II. Objections to the Drawings

Regarding the objection to the drawings, while 37 C.F.R. § 1.83(a) requires the drawings to show every feature specified in the claims, it also provides that “conventional features disclosed in the description and claims, where their detailed illustration is not essential for a proper understanding of the invention, should be” -- but are not required to be -- “illustrated in the drawing in the form of a graphical drawing symbol or a labeled representation.” The feature of a germanium-containing layer used as a component functional layer has been cancelled from the claims, and the feature of a flat diaphragm need not be illustrated since a detailed illustration thereof is not essential for a proper understanding of the claimed subject matter. It is respectfully submitted that those of ordinary skill in the art would properly understand the above features disclosed in the description and the claims, without need for further illustration.

In view of all of the foregoing, withdrawal of the objection to the drawings is respectfully requested.

III. Objections to the Specification

Regarding the objection to the specification, there is no statute or rule that requires the specification to “explain the problem to be solved.” Therefore, there is nothing apparently objectionable with respect to the specification. Withdrawal of this objection is therefore respectfully requested.

IV. Rejection of Claims 14 and 16 to 18 Under 35 U.S.C. § 112, Second Paragraph

Claim 14 and 16 to 18 were rejected under 35 U.S.C. § 112, second paragraph as allegedly indefinite.

With respect to claims 14 and 16, while the rejection may not be agreed with, to facilitate matters, claim 14 has been cancelled herein without prejudice, and claim 16 has been amended to delete the feature of the germanium-containing layer “is simultaneously used as a component functional layer.”

With respect to claims 17 and 18, Applicant respectfully points out that the flat diaphragm and the germanium-containing layer are separate elements of independent claim 16, from which claims 17 and 18 depend.

It is therefore respectfully requested that this rejection be withdrawn.

V. Rejection of Claims 16 and 17 Under 35 U.S.C. § 102(b)

Claims 16 and 17 are rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 5,888,845 (“Bashir et al.”). Applicant respectfully submits that Bashir et al. do not anticipate claims 16 and 17 for at least the following reasons.

Claim 16 has been amended herein without prejudice to recite, *inter alia*, that a diaphragm sensor unit includes the feature of the at least one of the germanium and germanium-containing layer is completely removed after completion of a etching procedure up to at least one of the germanium and germanium-containing layer while simultaneously separating the wafer into individual components. Support for this amendment may be found, for example, on page 3, lines 16 to 22 of the Specification.

Nowhere do Bashir et al. disclose, or even suggest, that the at least one of the germanium and germanium-containing layer is completely removed after completion of a etching procedure up to at least one of the germanium and germanium-containing layer, let alone disclosing the feature of completely removing while simultaneously separating the wafer into individual components.

As such, it is respectfully submitted that Bashir et al. do not anticipate claim 16, or claim 17, which depends from claim 16.

Withdrawal of the present rejection is respectfully requested.

VI. Rejection of Claims 9 to 11 Under 35 U.S.C. § 103(a)

Claims 9 to 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,310,451 (“Tejwani et al.”). Applicant respectfully submits that Tejwani et al. does not render unpatentable the pending claims for at least the following reasons.

Claim 9 has been amended herein without prejudice to recite, *inter alia*, that a method for producing at least one of (a) etched holes and (b) etched trenches of a component based on one of (c) silicon and (d) a layered silicon/insulator structure includes, completely removing at least one of the germanium and germanium-containing layer after completion of an etching procedure up to at least one of the germanium and germanium-containing layer while simultaneously separating the wafer into individual components. When completely

removing the germanium layer, the wafer may be broken into its individual electronic components, since they are no longer held together by the germanium layer at any point.

The Office Action refers to col. 8, lines 42 to 47 of Tejwani et al. as allegedly disclosing the feature of completely removing at least one of the germanium and germanium-containing layer after completion of an etching procedure up to at least one of the germanium and germanium-containing layer. While Tejwani et al. may refer to completely removing a germanium layer (i.e. layer 20), nowhere do Tejwani et al. disclose or suggest simultaneously separating the wafer into individual components. According to Tejwani et al., layer 20 is part of a thickness variation compression stack 12 that also comprises a silicon spacer layer 24 and a strain-free etch stop layer 26 (*see, e.g.*, col. 5, lines 28 to 45). After layer 20 is removed, layer 24 and layer 26 are removed (*see, e.g.*, col. 8, line 42 through col. 9, line 23; and Figs. 5 through 8). That is, before any separation is even possible, layers 24 and 26 must first be removed. Thus, nowhere do Tejwani et al. disclose or suggest the feature of completely removing at least one of the germanium and germanium-containing layer after completion of an etching procedure up to at least one of the germanium and germanium-containing layer while simultaneously separating the wafer into individual components.

As such, it is respectfully submitted that Tejwani et al. do not render unpatentable claim 9, or claims 10 and 11, which depend from claim 9.

Withdrawal of the present rejection is respectfully requested.

VII. Rejection of Claims 9 and 14 Under 35 U.S.C. § 103(a)

Claims 9 and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Monitoring of Deposition and Dry Etching of Si/SiGe Multiple Stacks, Journal of Vacuum Science and Technology 14(1): 102-105 (“Tillack et al.”) and U.S. Patent Application Publication No. 2004/0245586 (“Partridge et al.”). Applicant respectfully submits that the combination of Tillack et al. and Partridge et al. does not render unpatentable the pending claims for at least the following reasons.

As an initial matter, claim 14 has been cancelled herein without prejudice rendering moot the rejection with respect to claim 14.

The Office Action admits on pages 6 to 7 that Tillack et al. “does not explicitly teach removing at least one of the germanium and germanium-containing layer after completion of an etching procedure up to at least one of the germanium and germanium-containing layer,” but asserts that Partridge et al., on page 1, paragraph [0058], and Figs. 6C-6E, teach this feature. However, while Partridge et al. may disclose removing a layer,

nowhere in the cited text or anywhere else, do Partridge et al. disclose *completely* removing at least one of the germanium and germanium-containing layer after completion of an etching procedure up to at least one of the germanium and germanium-containing layer. As indicated throughout the specification of Partridge et al., only *parts* of layer 30 that are *near* mechanical elements 20a-d are removed, but not the *complete* layer, as in the present claim.

As such, neither Tillack et al. nor Partridge et al. disclose, or even suggest, completely removing at least one of the germanium and germanium-containing layer after completion of an etching procedure up to at least one of the germanium and germanium-containing layer as set forth in claim 9, and certainly do not disclose, or suggest, the feature of completely removing the Ge-layer while simultaneously separating the wafer into individual components. Therefore, the combination of Tillack et al. and Partridge et al. does not render unpatentable claim 9.

Withdrawal of the present rejection is respectfully requested.

VIII. Rejection of Claim 15 Under 35 U.S.C. § 103(a)

Claim 15 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Tejwani et al. and Tillack et al. Applicant respectfully submits that the combination of Tejwani et al. and Tillack et al. does not render unpatentable claim 15 for at least the following reasons.

Claim 15 depends from claim 9 and therefore incorporates all of the features of claim 9. As more fully set forth above, Tejwani et al. and Tillack et al. do not disclose, or even suggest, all of the features included in claim 9. As such, it is respectfully submitted that the combination of Tejwani et al. and Tillack et al. does not render unpatentable claim 15, which depends from claim 9.

Withdrawal of the present rejection is respectfully requested.

IX. Rejection of Claim 18 Under 35 U.S.C. § 103(a)

Claim 18 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Bashir et al. and U.S. Patent No. 4,986,127 (“Shimada et al.”). Applicant respectfully submits that the combination of Bashir et al. and Shimada et al. does not render unpatentable claim 18 for at least the following reasons.

Claim 18 depends from claim 16 and therefore incorporates all of the features of claim 16. As more fully set forth above, Bashir et al. do not disclose, or even suggest, all of the features included in claim 16. Shimada et al. do not cure this critical deficiency of

Bashir et al. As such, it is respectfully submitted that the combination of Bashir et al. and Shimada et al. does not render unpatentable claim 18, which depends from claim 16.

Withdrawal of the present rejection is respectfully requested.

X. Conclusion

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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